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RESOLUTION NO. 11-197

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 100, DISTRICT 6, SANITARY SEWER NO. 12 (NORTH OF CENTRAL, EAST OF OLIVER) 468-84780 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 100, DISTRICT 6, SANITARY SEWER NO. 12 (NORTH OF CENTRAL, EAST OF OLIVER) 468-84780 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 100, District 6, Sanitary Sewer No. 12 (north of Central, east of Oliver) 468-84780.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Thirty-Five Thousand Dollars (\$35,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after November 1, 2011, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

EXHIBIT "A"

Lots 28-35(inclusive), Block 4, East Highlands, Sedgwick County, Kansas; EXCEPT the west 15 feet of Lots 29-35(inclusive) in said Block 4, deeded to city for road right of way; AND EXCEPT the north 11' of Lot 28 and Lot 35 in said Block 4; ALONG WITH Lots 26-33(inclusive), Block 14 in said Addition; EXCEPT the south 5 feet of Lots 27-33(inclusive) in said Block 14, deeded to city for road right of way.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

Lot 28, Block 4, EAST HIGHLANDS, Sedgwick County, Kansas EXCEPT the north 11 feet of said Lot 28 shall pay 10/100 of said costs of the improvement

Lots 29-35, Block 4, EAST HIGHLANDS, Sedgwick County, Kansas EXCEPT the west 15 feet for street AND EXCEPT the north 11 feet of said Lot 35 shall pay 35/100 of said costs of the improvement

Lot 26, Block 14, EAST HIGHLANDS, Sedgwick County, Kansas shall pay 14/100 of said costs of the improvement

Lot 27, Block 14, EAST HIGHLANDS, Sedgwick County, Kansas EXCEPT the south 5 feet for street dedication and ½ vacation of Elm

Street on the northwest shall pay 11/100 of said costs of the improvement

Lots 28-29, Block 14, EAST HIGHLANDS, Sedgwick County, Kansas EXCEPT the south 5 feet for street dedication and ½ vacation of Elm Street on the northwest shall pay 10/100 of said costs of the improvement

Lots 30-33, Block 14, EAST HIGHLANDS, Sedgwick County, Kansas shall pay 20/100 of said costs of the improvement

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 16th day of August, 2011.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF
DIRECTOR OF LAW